

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STEYR ARMS, INC.,	:	
	:	
Plaintiff,	:	Case No.
v.	:	
	:	
BERETTA USA CORP.,	:	Jury Trial Demanded
	:	
Defendant.	:	

COMPLAINT

Plaintiff, STEYR ARMS, INC., by way of its Complaint against defendant, BERETTA USA CORP., alleges and says:

THE PARTIES

1. Plaintiff, STEYR ARMS, INC. (“STEYR”), is an Alabama corporation having a principal place of business at 2530 Morgan Road, Bessemer, Alabama 35022.

2. Upon information and belief, defendant, BERETTA USA CORP. (“BERETTA”), is a Maryland corporation having a principal place of business at 17601 Beretta Drive, Accokeek, Maryland 20607.

JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the Patent Laws

of the United States, Title 35, United States Code.

4. Jurisdiction over the subject matter of this action is vested in the United States District Court pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over BERETTA because BERETTA regularly operates and conducts business in Alabama, is causing injury in Alabama, is engaged in substantial and not isolated activity within Alabama and/or because a substantial part of the claims arose in this district.

6. Venue is conferred in this judicial district pursuant to 28 U.S.C. § 1391 (b) and (c) and 28 U.S.C. § 1400(b) because BERETTA is subject to personal jurisdiction in this judicial district and because BERETTA regularly conducts business in this district.

PATENT INFRINGEMENT

7. STEYR is the owner by assignment of all right, title, and interest in and to United States Letters Patent No. 6,260,301 (hereinafter referred to as “the `301 Patent”) entitled, “Pistol, Whose Housing Is Composed Of Plastic.” A copy of the `301 Patent is attached hereto as Exhibit A.

8. The `301 Patent was duly and legally issued on July 17, 2001 to STEYR. The `301 Patent remains in full force and effect.

9. The `301 Patent is directed generally to a pistol having a plastic housing and a multifunction metal part removably inserted into the housing. The multifunction metal part includes the guides for the barrel slide and elements of the trigger mechanism are mounted thereon. (See Exhibit A, Abstract, Summary of Invention).

10. BERETTA has infringed and is continuing to infringe claim 1 of the `301 Patent by manufacturing, importing, distributing, marketing, offering for sale, and selling pistols having a plastic housing and multifunction metal part (hereinafter “the Accused Products”). The Accused Products include, but are not limited to the “Beretta Pico Pistol.” Select pages from the Pico Instruction Manual are attached hereto as Exhibit B.

11. The activities of BERETTA constitute direct infringement of the `301 Patent.

12. BERETTA’s infringement of the `301 Patent has been without license from STEYR and in violation of STEYR’s patent rights, and it is believed that BERETTA will continue to infringe STEYR’s patent rights unless enjoined by this Court.

13. BERETTA’s acts of infringement have been willful and deliberate, with full knowledge of STEYR’s patent rights.

14. As a result of BERETTA’s willful infringement of the `301 Patent,

STEYR has been damaged and will continue to be damaged in an amount to be determined at trial. STEYR has suffered and will continue to suffer irreparable injury unless the infringing activities of BERETTA are enjoined.

15. By virtue of BERETTA's willful and deliberate infringement, this is an "exceptional case" within the meaning of 35 U.S.C. § 285.

WHEREFORE, STEYR prays for the following relief:

- A. Judgment for STEYR on its cause of action for patent infringement.
- B. Entering a preliminary and permanent injunction against BERETTA, its officers, directors, agents, employees, and all those in active concert or participation with them who receive actual notice of the judgment by personal service or otherwise, enjoining them from making, using, importing, offering for sale, and selling pistols which infringe the `301 Patent and from otherwise infringing, contributing to infringement, and actively inducing infringement of the `301 Patent.
- C. An award of compensatory and punitive damages to STEYR by reason of the wrongs committed by BERETTA, including an award of increased damages pursuant to 35 U.S.C. § 284 for BERETTA's willful and deliberate patent infringement.
- E. That this is an exceptional case and awarding STEYR its costs, expenses and attorneys' fees pursuant to 35 U.S.C. § 285.

- F. An assessment of interest on the damages so computed.
- G. Such other and further relief as this Court deems just and proper.

DEMAND OF JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, STEYR respectfully requests a trial by jury of all issues properly triable by jury.

STEYR ARMS, INC.,
By its Attorneys,

Dated: September 29, 2015

s/ Cole R. Gresham
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